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IN THE HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

SINGLE BENCH

WRIT PETITION NO.2712 OF 2006

PETITIONER : Anjani Kumar, S/o Late Shri Anirudha Prasad, aged about 53 years, presently posted and working as Staff Officer (Civil), South Eastern Coalfields Ltd., Sohagpur Area, Post – Dhanpuri, Distt Shahdol (M.P.)

R.R. No. 27646
Presented by H.S. Patel
dated 2/6/06

Versus

RESPONDENTS

1. South Eastern Coalfields Ltd. through C.M.D., Headquarter at Bilaspur (CG).
2. The General Manager (Civil), South Eastern Coalfields Ltd., Headquarter at Bilaspur (CG)
3. The Chief General Manager, South Eastern Coalfields Ltd, Sohagpur Area, Post – Dhanpuri, Distt Shahdol (M.P.)
4. The General Manager, South Eastern Coalfields Ltd, Bhatgaon Area, Distt Surguja (CG)
5. The Dy. General Manager (P& C), South Eastern Coalfields Ltd, Bilaspur (CG)
6. Mr. D. R. K. Singh, Dy. Chief Engineer (Civil), posted as Staff Officer (Civil), Bhatgaon Area, Distt Surguja (CG)

(5)

WRIT PETITION UNDER ARTICLE 226 / 227 OF THE CONSTITUTION OF INDIA

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WA/2112/06 **सन् 200**

(30)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

13.6.2006

Shri B.D. Guru, Advocate for the petitioner.

Heard.

On the last date of hearing i.e. on 5.6.2006 Dr. N.K. Shukla, Sr. Advocate appeared on behalf of the respondent-SECL and sought one-week time to seek instructions in the matter. Today, when the matter is called, Dr. Shukla is not present.

The main grievance raised by the petitioner in this petition is that vide order dated 26.7.2005 (Annexure P-2) he was posted as Staff Officer (Civil), SECL, Sohagpur Area, he took the charge of said post on 30.7.2005 vide Annexure P-3 and as the petitioner was discharging his duties as Staff Officer (Civil) efficiently, therefore, his posting has been confirmed on the said post vide order dated 6.10.2005 (Annexure P-4) and since then he was working on that post without any disturbance or interruption. To the utter surprise of the petitioner all of sudden vide impugned order dated 19.5.2006 (Annexure P-1) respondent No.6 has been posted as Staff Officer (Civil), SECL, Sohagpur Area in spite of the fact that the petitioner is already holding the charge of that post and no further order has been passed in respect of the petitioner's posting.

Learned counsel for the petitioner submitted that after filing of this petition respondent No.6, in absence of the petitioner, occupied the seat of the petitioner and started discharging the duties of Staff

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
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Officer (Civil) and no order has been passed regarding posting or assignment of work to the petitioner, which has created a situation not known to the service jurisprudence. He further submits that against such a situation the petitioner was left with no alternative but to move the higher authorities and accordingly the petitioner made a representation (Annexure P-5) to the Director (Personnel), SECL, Bilaspur and also sent a copy of same to respondent No.1, but so far no order has been passed on that. Therefore, in order to clear the clouds respondent No.1 be directed to decide the representation of the petitioner and pass the orders in accordance with law.

In the circumstances, respondent No.1 is directed to decide representation of the petitioner and pass appropriate orders in accordance with law within a period of two weeks from today.

With the direction aforesaid, the petition stands disposed of.

Consequently, M.(W.)P. No.2052/06 also stands disposed of.

Certified copy as per rules.

Sd/-
L.C.Bhadoo
Judge

Roshan/-